



December 16, 2004

To: Martins Lane Area Residents

From: Bob Spalding, Chief of Planning

Subject: Reconsideration of Final Record Plat PLT2004-00433 - 202 Martins Lane – Prather Subdivision

Following the City of Rockville Planning Commission action on Final Record Plat PLT2004-00433, staff learned that the postcards that were sent to the surrounding properties had the incorrect Planning Commission meeting date. Consequently, neighbors of the property did not know that there was an opportunity to provide comments to the Planning Commission.

The Planning Commission initially approved the application for two residential lots during its December 15 meeting. Later in that meeting staff learned of the incorrect date on the postcard mailed to the neighbors. Staff then notified the Planning Commission of the confusion caused by the postcards.

Although the postcard notification is not legally required, the Planning Commission and staff were very concerned about the lack of public comment on the application. As a result, the Planning Commission voted to reconsider the application. Since State law requires action on final record plats within 30 days of an application, the Planning Commission will reconsider the application at a special meeting.

The special Planning Commission meeting will be held on Wednesday, December 22 at 7:00 p.m. in the Mayor and Council Chambers at City Hall. If you are unable to attend the meeting or would like to provide written comments you may send them to the attention of Margaret Hall at City Hall, 111 Maryland Avenue or at [mhall@rockvillemd.gov](mailto:mhall@rockvillemd.gov). If you have questions about the application you may reach Margaret at 240-314-8226. Margaret will forward your comments to the Planning Commission. She will be out of the office on December 16 and 17 and return on December 20. If you wish to speak with someone before December 20, please call Deane Mellander at 240-314-8224.

A copy of the staff report and the proposed plat is attached for your convenience.

Thank you for your patience and understanding on this matter. I apologize for any inconvenience that this may have caused.

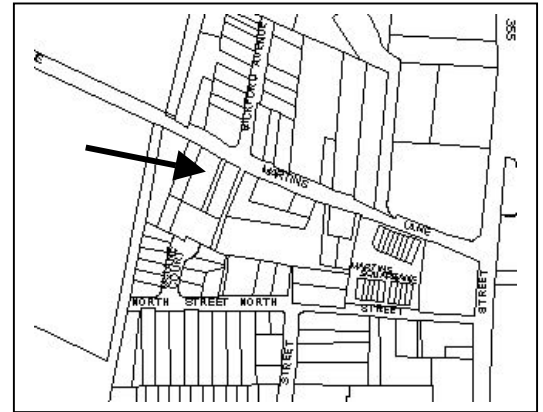
**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT AND RECOMMENDATION**

December 9, 2004

**FINAL RECORD PLATS:** Lots 1 and 12,  
Prather Subdivision

**APPLICATION NUMBERS:** PLT2004-00433

**APPLICANT:** Mr. Chris McKee  
McKee Construction  
Company  
239 Midsummer Circle  
Gaithersburg,  
Maryland 20878



**DATE FILED:** November 30, 2004

**DESCRIPTION OF PROPERTY:**

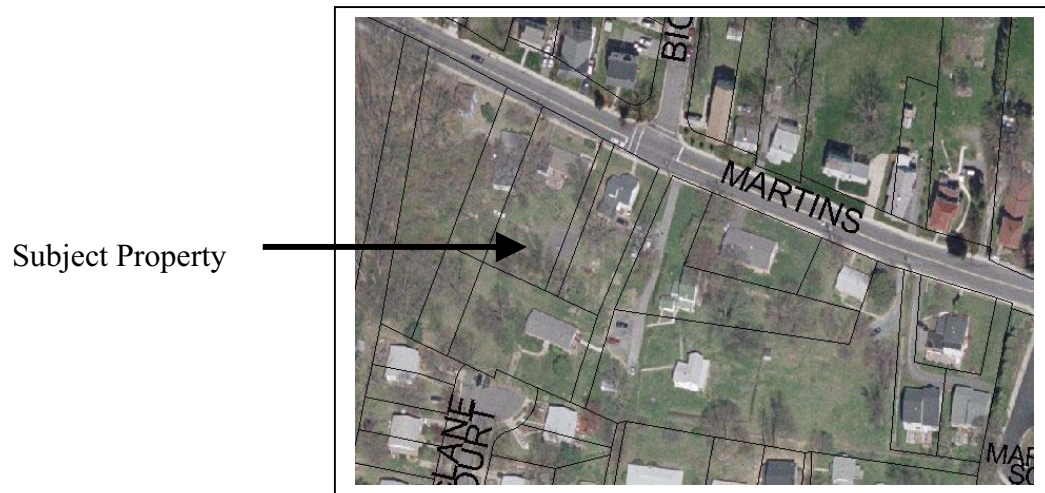
**Size:** 14,128 Square Feet or 0.3243Acres  
**Location:** On Martins Lane, near Bickford Avenue  
**Zone:** R-60, One-Family Detached Residential  
**Present Use:** Residential  
**Comments:** The applicant is proposing to create two building lots.

**PREVIOUS RELATED ACTION:** None

**STAFF COMMENTS:** Ownership of most of the land within the Martin's Lane is mostly attributed to either Margaret Beall or Samuel Martin. Samuel Martin, a free black, owned five acres and Margaret Beall deeded close to 30 parcels of land to freed slaves and servants after emancipation in 1864 until her death in 1901. The Prather's, who are proposing the subdivision in conjunction with the prospective purchaser/developer, are descendents of Alfred Ross, one of the original deed holders of land transferred from Margaret Beall.

The property is currently developed with a single-family home that was built in the late 1950s. The owner is selling the property for redevelopment. Located across Martins Lane, to the north, is the historic Haiti cemetery. The Carroll house, dating to 1887 is located two properties to the west. The historically designated Ross/Powell house (built prior to 1871) is located a couple of properties to the southeast. Several more modern houses are located behind, as well as around, the proposed subdivision. The current configuration of properties reflects land that was developed over time by succeeding generations. It demonstrates the typical "crazy quilt" pattern of generational development with the typical wide variation in size and shape. This is a character element of neighborhoods that is desirable to preserve.

Section 25-749(b) requires that any resubdivision within an existing residential area to maintain, to the extent feasible, the average area and frontage of lots within five hundred (500) feet. An assessment was done of the residential lots within five hundred feet of the proposed lots. Non-residential properties, like the Municipal Swim Center and the Rock Terrace school were not included because they would have skewed the assessment and are not really part of the neighborhood. The lots vary significantly in size, both in area and frontage. If all residential parcels are included in the calculation, the average area is 11,205 square feet and average frontage is 58 feet. When seven large residential properties are excluded, the average lot size drops from 11,205 square feet to 8,768 square feet. The average frontage drops from 58 to 54 feet. It is also important to note that the smallest lot contains 4,001 square feet and the shortest street frontage is 20 feet. There is, in fact, one property that has no street frontage at all, again typical of generational development which often formed family compounds.



There are three recorded pipestem lots within the five hundred foot assessment area, two on the same side of the street and one across the street but there are two houses located behind the ones on Martins Lane that give the appearance of more pipestem lots.

It is not possible in this eclectic area to come up with an average area or frontage that accurately reflects the neighborhood. Since the proposed lots contain 6,052 square feet of land and 8,076 square feet of land with 62.33 feet and 20.70 square feet of frontage, the proposed subdivision meets the standards of the R-60 zone. The proposal for a pipestem lot is also compatible with the immediate area of the property. In this neighborhood, where irregular lots and street frontage are the norm, forcing the new subdivision to conform is not the most feasible and is not consistent with the generational character aspect of the neighborhood. As a result, it is felt that the proposed subdivision maintains, to the extent feasible, the average area and frontage of lots within five hundred feet and reflects the existing uneven development pattern.

**Staff Report:** PLT2004-00433

**Date:** December 9, 2004

**Page:** 3

**STAFF RECOMMENDATION:** Approval, subject to the conditions noted below:

1. That the plat be revised to make modifications/additions as identified on Planning Commission Exhibit "A" (in the Planning Division file) and resubmitted to the Planning Division for recordation. The final plat submission should include the original mylar plat, five mylar copies and two paper copies;
2. That the existing house be demolished prior to recordation of the plat;
3. That shared access to the properties be provided within an ingress/egress easement within the pipestem on Lot 2;
4. That the applicant work with historic preservation staff in an attempt to place houses on the lots that are compatible with the surrounding properties; and
5. That the final corrected Plat be submitted in an appropriate electronic format as specified in Section 25-782(c), (d) and (e) of the Rockville Zoning Ordinance.